

# PUBLIC HEALTH DEPARTMENT[641]

## Adopted and Filed

Pursuant to the authority of Iowa Code section 147A.4, the Department of Public Health hereby amends Chapter 130, "Emergency Medical Services Advisory Council," Iowa Administrative Code.

These amendments are being made to align rules associated with the councils and committees that advise the Department's Bureau of Emergency and Trauma Services. The amendments:

- Update definitions.
- Clarify and update provisions pertaining to Council membership.
- Refine language related to absences.
- Refine the duties of Council officers.
- Clearly outline meeting requirements, including removing the reference to Robert's Rules of Order, defining a quorum, and updating the process used to present information to the Council.
- Remove the reference to gender balance and instead reference Iowa Code chapter 69 to define the Council's composition.

The Emergency Medical Services Advisory Council reviewed and unanimously approved the proposed amendments on January 13, 2016. Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2444C** on March 16, 2016. No public comment was received. These amendments are identical to those published under Notice of Intended Action.

The Department adopted these amendments on May 11, 2016.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 147A.2 and 147A.3.

These amendments will become effective July 13, 2016.

The following amendments are adopted.

ITEM 1. Amend rule **641—130.1(147A)**, definitions of "Emergency medical care provider" and "Emergency medical services," as follows:

*"Emergency medical care provider"* means an individual who has been trained to provide emergency and nonemergency medical care at the first responder, EMT-basic, EMT-intermediate, EMT-paramedic, paramedic specialist, or other certification level recognized by the department before 1984 and who has been issued a certificate by the department emergency medical care provider as defined in rule 641—131.1(147A).

*"Emergency medical services" or "EMS"* means ~~an integrated medical care delivery system to provide emergency and nonemergency medical care at the scene or during out-of-hospital patient transportation in an ambulance~~ emergency medical services as defined in rule 641—131.1(147A).

ITEM 2. Amend rule 641—130.3(147A) as follows:

### **641—130.3(147A) Appointment and membership.**

**130.3(1)** The EMS advisory council shall be appointed by the director.

**130.3(2)** The appointments shall be for three-year staggered terms, which shall expire on June 30.

**130.3(3)** Vacancies shall be filled in the same manner in which the original appointments were made for the balance of the unexpired term.

**130.3(2) 130.3(4)** Membership of the council shall be comprised of individuals nominated from, but not limited to, the following state or national organizations:

- a. One physician from each of the following organizations:
  - (1) Iowa Osteopathic Medical Association.
  - (2) Iowa Medical Society.
  - (3) American College of Emergency Physicians.
  - (4) Iowa Academy of Family Physicians.
  - (5) University of Iowa Hospitals and Clinics.

- (6) American Academy of Emergency Medicine.
- (7) American Academy of Pediatrics.
- b. ~~Representatives~~ A representative from each of the following organizations:
  - (1) Iowa Physician Assistant Society.
  - (2) EMS Education Programs Committee.
  - (3) ~~Rescinded IAB 2/9/11, effective 3/16/11.~~
  - (4) (3) Iowa Nurses Association.
  - (5) (4) Iowa Hospital Association.
  - (6) (5) Iowa State Association of Counties.
- c. Two out-of-hospital emergency medical care providers from the Iowa Firemen's Firefighters Association.
- d. One out-of-hospital emergency medical care provider from the Iowa Professional Firefighters.
- e. Three out-of-hospital emergency medical care providers, with at least one representing volunteer EMS and one representing a private service program, from the Iowa EMS Association.
- f. Two at-large volunteer emergency medical care providers.

**130.3(5) Absences.**

- a. Three unexcused absences in a 12-month period shall be grounds for the director to request nomination of an alternative representative to fill the position.
- b. Absences may be excused by notification provided to the chairperson prior to the meeting.
- c. The chairperson shall be charged with providing notification of absences to the department.

ITEM 3. Rescind rule **641—130.4(147A)**.

ITEM 4. Renumber rules **641—130.5(147A)** to **641—130.9(147A)** as **641—130.4(147A)** to **641—130.8(147A)**.

ITEM 5. Amend renumbered rule 641—130.4(147A) as follows:

**641—130.4(147A) Officers.**

**130.4(1)** Officers of the advisory council shall be a chairperson and a vice chairperson, who shall be elected at the first meeting of each fiscal year ~~unless they are designated as officers at the time of their appointment.~~

- a. Officers may serve no more than three consecutive terms as an officer chairperson or vice chairperson.
- b. Vacancies in the office of chairperson shall be filled by the vice chairperson.
- c. Vacancies in the office of vice chairperson shall be filled by election at the next meeting after the vacancy occurs.

**130.4(2)** Duties of officers. ~~The chairperson shall preside at all meetings of the advisory council, appoint such subcommittees as deemed necessary, and designate the chairperson of each subcommittee. If the chairperson is absent or unable to act, the vice chairperson shall perform the duties of the chairperson. When so acting, the vice chairperson shall have all the powers of and be subject to all the restrictions upon the chairperson. The vice chairperson shall also perform such other duties as may be assigned by the chairperson.~~

a. The chairperson shall:

- (1) Preside at all meetings of the advisory council,
- (2) Appoint such subcommittees as deemed necessary, and
- (3) Designate the chairperson of each subcommittee.

b. The vice chairperson shall:

- (1) Perform the duties of the chairperson if the chairperson is absent or unable to act. When so acting, the vice chairperson shall have all the powers of and be subject to all the restrictions upon the chairperson.
- (2) Perform such other duties as may be assigned by the chairperson.

ITEM 6. Amend renumbered rule 641—130.5(147A) as follows:

**641—130.5(147A) Meetings.**

**130.5(1)** The advisory council shall establish a meeting schedule on an annual basis to conduct business. There shall be a minimum of four meetings per year. ~~Meetings may be scheduled as business requires, but notice to members must be at least five working days prior to the meeting date. Four weeks' notice is encouraged to accommodate the schedules of professional members.~~

*a.* Meetings may be scheduled as business requires, but notice to members must be given at least five working days prior to the meeting date.

*b.* Notice given four weeks in advance is encouraged to accommodate the schedules of professional members.

**130.5(2)** ~~Robert's Rules of Order shall govern all meetings. Any advisory council member who is unable to attend a meeting will notify the chairperson.~~

**130.5(3)** A majority of appointed members shall be considered constitutes a quorum.

**130.5(4)** ~~Any advisory council member who is unable to attend a meeting will notify the chairperson; there may not be a meeting if a quorum is not present.~~

**130.5(5)** ~~130.5(4)~~ When a quorum is present, a position is carried by affirmative vote of the majority of those present. No official business that requires a vote of the membership shall be conducted without a quorum present.

**130.5(6)** ~~130.5(5)~~ Persons wishing to make a presentation to the advisory council shall submit the request to the chairperson not less than 14 days prior to the meeting. Presentations may be made either at the discretion of the chairperson ~~or upon matters appearing on the agenda.~~

**130.5(7)** ~~130.5(6)~~ Persons wishing to submit written materials should do so at least 14 days in advance of the scheduled meeting to ensure that advisory council members have adequate time to receive and evaluate the materials.

**130.5(8)** ~~130.5(7)~~ The advisory council may conduct a meeting by electronic means ~~only in circumstances in which an in-person meeting is impossible or impractical,~~ pursuant to Iowa Code section 21.8.

ITEM 7. Amend renumbered rule 641—130.8(147A) as follows:

**641—130.8(147A) Gender balance Council composition.** ~~If not otherwise provided by law, all advisory bodies of the department appointed by the governor, director or designee shall be gender-balanced. The council's composition shall be developed and maintained pursuant to Iowa Code chapter 69.~~

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/8/16.